

## **CHARTER OF THE MEDICAL REVIEW BOARD ADVISORY COMMITTEE**

**1. COMMITTEE'S OFFICIAL DESIGNATION (TITLE):** The Committee shall be known as the Medical Review Board Advisory Committee (MRB).

**2. AUTHORITY:** This charter renews the Federal Motor Carrier Safety Administration's (FMCSA) MRB established in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59, § 4116 (codified as amended at 49 U.S.C. § 31149) and DOT Order 1120.3B. This charter renews MRB and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

**3. OBJECTIVES AND SCOPE OF ACTIVITIES:** The MRB shall provide the Administrator of FMCSA and the U.S. Secretary of Transportation with medical advice and recommendations on medical matters relating to all aspects of development and implementation of science-based physical qualification standards and guidelines for operators of commercial motor vehicles (CMVs), medical examiner education, and medical research.

**4. DESCRIPTION OF DUTIES:** The members of MRB shall perform the following tasks:

- a. Attend MRB meetings and be prepared to discuss topics by reading material in advance of the meetings;
- b. Undertake such information gathering activities as necessary to define issues for consideration by MRB, develop positions on those issues, and communicate them to the FMCSA Administrator and the Secretary of Transportation;
- c. Provide FMCSA with ongoing medical expertise to shape decisions about the health and wellness of CMV drivers, including uniform physical qualification standards, medical advisory criteria, and a functional capacity test for individuals with health-related impairments;
- d. Advise FMCSA on the development of scientific guidelines, criteria, safety research, and procedures to facilitate implementation of the physical qualification standards by qualified medical examiners; and
- e. Provide advice and recommendations for the establishment and maintenance of medical examiner training and certification processes.

**5. AGENCY TO WHOM THE COMMITTEE REPORTS:** The MRB shall report to the Secretary of Transportation through the FMCSA Administrator.

**6. SUPPORT:** The FMCSA Administrator shall provide support staff for MRB. At the request of MRB, the Administrator shall provide information, administrative services, and supplies that

are considered to be necessary to carry out its duties. The FMCSA's Office of Medical Programs shall furnish support services for the operation of MRB.

**7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:** The estimated annual direct fiscal year operating cost to operate MRB in dollars and staff years is \$70,000.00. This includes 0.25 full-time equivalents at \$24,568.00 to support MRB. These estimated costs were determined using the Annual Comprehensive Review of Federal Advisory Committees. The cost estimates include the salary cost of staff support with benefits.

**8. DESIGNATED FEDERAL OFFICER AND SPONSOR:** The Designated Federal Officer (DFO) for MRB and its subcommittees is FMCSA's Associate Administrator for Policy or his or her designee. The MRB sponsor is the Director of the Office of Medical Programs, FMCSA, or another official as designated by the DFO. The DFO will approve or call all of the meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom MRB reports.

**9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The estimated number of MRB meetings is four each fiscal year. Meetings shall be open to the general public, except as provided under FACA, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and DOT Order 1120.3B. Interested persons shall be permitted to attend, appear before, and file statements with MRB, as practicable. Notice of each meeting shall be published in the *Federal Register* at least 15 calendar days prior to the date of the meeting. Prior to the meeting date, the agenda shall be posted to the MRB Web site at <http://www.mrb.fmcsa.dot.gov/>.

Detailed minutes of each meeting shall be certified by the DFO, maintained by the sponsor, and be made available for public inspection on the MRB Web site. As used in this charter, the word "meeting" does not include gatherings of MRB members for the purpose of preparatory or administrative work as provided under 41 CFR § 102-3.160.

**10. DURATION:** Continuing, subject to renewal every 2 years.

**11. TERMINATION:** This charter shall terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.

**12. MEMBERSHIP AND DESIGNATION:** The MRB shall comprise five physicians and alternates, selected from medical institutions and private practice. These members are appointed by the Secretary of Transportation, upon the recommendation of the FMCSA Administrator, to serve for a term not to exceed 2 years. Members serve at the pleasure of the Secretary, subject to their stated terms. Members may be reappointed to one or more consecutive terms. Members will be selected from among individuals who are not employees of FMCSA and who are specially qualified to serve on MRB based on their education, training, or experience. Members shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Criteria for appointment include medical expertise in a medical specialty, an understanding of medical research methods, knowledge of transportation medical issues, experience on panels that develop

medical standards, a record of scientific collaboration and professional service, and experience developing teaching programs. Medical specialties include, but will not be limited to, cardiovascular and cerebrovascular diseases, endocrine diseases, injury, medicolegal issues, neurological disorders, psychiatric diseases, and occupational medicine.

Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve until the expiration date of the predecessor's term or continue to serve until a replacement is appointed, whichever occurs last. Notwithstanding the above, the Secretary or his or her designee may terminate an individual's membership on the Board at his or her discretion.

**13. SUBCOMMITTEES:** The FMCSA shall be authorized to establish subcommittees. Subcommittees shall not work independently of the chartered MRB, and shall report all of their recommendations and advice to the full MRB for deliberation and discussion. Subcommittees must not report advice or work products directly to FMCSA.

**14. RECORDKEEPING:** All records of MRB, formally and informally established subcommittees, or other subgroups of MRB, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, as amended, 5 U.S.C. § 552.

**15. FILING DATE:** The filing date of this renewed charter is November 2, 2011. If not renewed, this charter will expire on November 2, 2013.